

REMARKS/ARGUMENTS

Claims 1-28 are pending in the present application. Claims 1, 11, 12, 13 and 21 are amended. Support for the amendments may be found in the description on page 19 line 25 through page 20 line 20, and page 21 lines 1-2. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation

The examiner has rejected claims 1-28 under 35 U.S.C. § 102 as being anticipated by *Lei, Self-contained Business Transaction Schedules*, U.S. Patent U.S. 7,107,236, (September 12, 2006), (hereinafter “*Lei*”). The Examiner states:

Regarding claim 1, *Lei* discloses a method for making reservations comprising:

providing a wireless hot spot location, wherein reservations can be made with a plurality of vendors through the wireless hot spot [*...the mobile commerce system (200) having the self-contained business transaction capsules (plurality of vendors) where the reservation can be made such as dinner reservation or airline ticket by using the mobile wireless devices; (abstract; col. 2, lines 25-31, lines 46-50; col. 3, lines 28-34 and figure 211;*

responsive to receiving a user input from a wireless device in communication with the wireless hot spot, determining whether a user desires to make a reservation with a selected vendor from the plurality of vendors [*...receive the completed transaction data from the portable electronic device; (col. 5, lines 50-67); receiving input for selections and entries made by the user; (col. 7, lines 33-34); for example: user select from a variety of restaurant from self-contained business transaction capsules by requesting them to be broadcasted (col. 13, lines 45-53)];*

responsive to a determination that the user desires to make the reservation [*... when the user decide to make a reservation, the transaction logic will gather information such as user's name, time for reservation and transmit to the restaurant to make a reservation; (col. 13, lines 45-53)], retrieving user preferences associated with the user [*...mobile commerce system 200 preferably keeps a backup of all the user's information such as user profile including the favorite topics; the user's information can be retrieved; (col. 6, lines 55-57; col. 10, lines 41 -56 and figure 2)]; and**

making the reservation using the user preferences [*... for example, user making the flight reservation through the self-contained business transaction capsule; (col. 9, lines 5-11 ; 5-9; lines 11 -22; lines 38-47; and figures 2-31.*

Office Action dated March 19, 2008, pp. 2-3 (emphasis in original).

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the

claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not identically shown in the cited reference, arranged as they are in the claims.

Claim 1, as amended, is as follows:

1. A method for making reservations, the method comprising:
 - providing a wireless hot spot location, wherein reservations can be made with a plurality of vendors through the wireless hot spot;
 - receiving a user request including, user preferences, to make a reservation from a wireless device in communication with the wireless hot spot, wherein the request is to a selected vendor from the plurality of vendors;
 - comparing the user preferences with available resources of the selected vendor, wherein a first comparison is formed;
 - responsive to the first comparison not being a complete match between the user preferences and the available resources generating reservation details;
 - sending the reservation details to the user;
 - determining whether the reservation details are accepted by the user;
 - responsive to a determination that the reservation details are accepted forming a second comparison;
 - responsive to one of the first comparison and the second comparison being a complete match between the user preferences and the available resources,
 - making the reservation using the user preferences; and
 - confirming the reservation.

Lei does not anticipate claim 1 because *Lei* does not teach all of the features of claim 1 as amended. In particular *Lei* fails to teach the features of, “providing a wireless hot spot location, wherein reservations can be made with a plurality of vendors through the wireless hot spot,” “receiving a user request including user preferences to make a reservation from a wireless device in communication with the wireless hot spot, wherein the request is to a selected vendor from the plurality of vendors,” “comparing the user preferences with available resources of the selected vendor, wherein a first comparison is formed,” “responsive to the first comparison not being a complete match between the user preferences and the available resources generating reservation details,” “sending the reservation details to the user,” “determining whether the reservation details are accepted by the user,” “responsive to a determination that the reservation details are accepted forming a second comparison,” “responsive to one of the first comparison and the second comparison forming a complete match between the user preferences and the available resources, making the reservation using the user preferences,” and

"confirming the reservation." Although the Examiner has not analyzed all of these features, Applicants nevertheless analyze the various portions of *Lei* the Examiner cited in support of the rejection.

With regard to the feature of, "providing a wireless hot spot location, wherein reservations can be made with a plurality of vendors through the wireless hot spot," the Office Action asserts Figure 2 and the following portions of *Lei*:

A self-contained business transaction capsule to conduct a wireless transaction includes data regarding the wireless transaction. Transaction logic is provided to complete the wireless transaction. The self-contained business transaction capsule is adapted to be broadcasted to and stored on a portable electronic device

Lei, abstract.

FIG. 2 illustrates a mobile commerce system for generating self-contained business transaction capsules according to an embodiment of the present invention. A self-contained business transaction capsule 240, 242, 244, 246 ("eCapsule") is a small electronic capsule that contains all the necessary data and logic to complete a business transaction.

Lei, col. 2, lines 25-31.

Moreover, the eCapsule 240, 242, 244, 246 is adapted to be broadcasted to, and stored on, a portable electronic device 260, 262, 264, such as a mobile wireless-enabled device, like a cellular telephone, a personal digital assistant (PDA), a laptop computer, etc.

Lei, col. 2, lines 46-50.

A "digital token" self-contained business transaction capsule 246 represents "redeemable" type transactions, such as an airline ticket, a dinner reservation, a coupon, or even electronic/digital cash. The digital token eCapsule 246 may include data about an airline ticket, such as the flight time, flight number, departure time, and transaction logic to enable the user to "check-in" to the flight, pay for the flight, cancel the flight, etc.

Lei, col. 3, lines 28-34.

Lei is directed to broadcasting ecapsules and presumes a wireless environment exists. *Lei*, therefore does not teach providing a wireless hotspot. Therefore *Lei* fails to teach the claimed feature.

With regard to the feature of, "receiving a user request including user preferences to make a reservation from a wireless device in communication with the wireless hot spot, wherein the request is to a selected vendor from the plurality of vendors," the Office Action further states:

Once the user has inputted the required information on the portable electronic device 260, 262, 264 to complete a transaction, the transaction logic of the self-contained business transaction capsule 240, 242, 244, 246 is adapted to perform any necessary data processing on the portable electronic device 260, 262, 264 and transmit completed transaction data, preferably back to the mobile commerce system 200 to complete the transaction. For example, the portable electronic device 260, 262, 264 may transmit completed transaction data via a cellular

transmitter utilizing the WAP protocol back to the mobile commerce system 200 over a cellular signal.

A transactor 270 is preferably provided within the mobile commerce system 200 to receive completed transaction data from the portable electronic device 260, 262, 264 and handle all the transaction requirements of the self-contained business transaction capsules 240, 242, 244, 246.

Lei, col. 5, lines 50-67.

receiving input for selections and entries made by the user

Lei, col. 7, lines 33-34.

Accordingly, the user may select from a variety of "restaurant" self-contained business transaction capsules by requesting them to be broadcasted, based on the eCapsule identifications received. Once the restaurant eCapsules have been received by the portable electronic device, the user can review information about the restaurant, such as the menu, prices, critic/customer reviews, hours, reservation availability, etc.

Lei, col. 13, lines 45-53.

Lei teaches broadcasting ecapsules and does not receive a user request to initiate processing. *Lei* teaches receiving input from a user only after the receipt of a ecapsule, as in the above passage "Once the user has inputted the required information on the portable electronic device 260, 262, 264 to complete a transaction," *Lei* has already broadcast transmission of an e-capsule or "a self-contained business transaction capsule," that "is a small electronic capsule that contains all the necessary data and logic to complete a business transaction." *Lei* teaches responding to a user request with a prompt to select a restaurant self-contained business capsule. The business capsule of *Lei* is not a user request but a response to a user request that does not include user preferences. *Lei* further requires a user to process the capsule on the user device.

In contrast, the claimed feature is directed toward receiving a user request including user preferences to make a reservation. The claimed feature does not further require a user to be prompted to select a business capsule. *Lei* teaches the user must select and receive a restaurant business capsule before initiating a reservation process. The user must therefore select and view business capsules to make a reservation. Therefore the user of *Lei* is required to install a business capsule before any reservation event may be initiated. *Lei* fails to teach the user request includes user preferences. Therefore, *Lei* fails to teach the claimed feature.

With regard to the feature of, "comparing the user request including user preferences with available resources of the selected vendor wherein a first comparison is formed," *Lei* does not teach the subject matter of a comparison. *Lei* does not teach use of a comparison based on user preferences provided in the request because *Lei* does not have the user preferences in the request. *Lei* teaches

completing a business capsule that was received in a broadcast or in response to a broadcast. The completed business capsule is transmitted to the mobile commerce system to finalize and complete the transaction. Therefore *Lei* fails to teach the claimed feature.

With regard to the claimed features of, “responsive to the first comparison not forming a complete match between the user preferences and the available resources generating reservation details,” *Lei* does not teach a similar feature. *Lei* does not teach generating reservations details because *Lei* teaches completing the transaction on the user device using the eCapsule. Therefore *Lei* does not teach the claimed feature.

With regard to the feature of “sending the reservation details to the user,” *Lei* does not teach the feature as claimed. *Lei* teaches receiving the completed transaction from the user in the form of the eCapsule. Because *Lei* does not generate the reservation details based on the mismatch of user preferences and available resources, *Lei* cannot send the reservation details to the user for acceptance. Therefore *Lei* does not teach the claimed feature.

With regard to the claimed feature of “determining whether the reservation details are accepted by the user,” as previously shown, *Lei* does not teach generation of the reservation details nor sending of the reservation details to the user. *Lei* cannot therefore teach determining if the reservation details are acceptable to the user. Accordingly, *Lei* does not teach the claimed feature.

With regard to the claimed feature of “responsive to a determination that the reservation details are accepted forming a second comparison,” *Lei* fails to teach the determination because *Lei* does not teach generating, sending or determining based on the reservation details. Therefore *Lei* does not teach the claimed feature.

With regard to the claimed feature, “responsive to one of the first comparison and the second comparison forming a complete match between the user preferences and the available resources, making the reservation using the user preferences,” *Lei* teaches use of pre-defined or pre-stored information as in,

When the airline ticket eCapsule is first received by the portable electronic device, basic information, such as the user's name, address, credit card or billing information, may be pre-defined and pre-stored so that this basic information may be provided to the airline ticket eCapsule so that the user need not re-enter this information for each transaction performed.

Lei, col. 9, lines 38-43.

The information *Lei* is not compared to form a match as is currently claimed. The information is simply inserted into the eCapsule without explanation and is independent of a vendor data comparison. In contrast, the claimed feature is directed toward use of the result of a comparison and the use of request provided user preferences. *Lei*, therefore, fails to teach the claimed feature.

Lei, therefore, fails to teach each and every feature of the claim. Accordingly, under the standard of *In re Bond*, *Lei* fails to anticipate claim 1. Independent claims 11, 12, 13, and 21, as amended, have similar distinguishing features of claim 1 and are therefore also distinguished from the teaching of *Lei*.

Because claims 2-10, 14-20 and 22-28 depend from claims 1, 13 and 21 respectively, the same distinctions between *Lei* and the claimed invention in claim 1 apply equally well for the instant claims, and therefore overcome the rejection. Accordingly the rejection of claims 1-28 has been overcome.

II. Conclusion

The subject application is patentable over the cited references. Therefore, the subject application should now be in condition for allowance. Applicants invite the examiner to call the undersigned at the below-listed telephone number if, in the opinion of the examiner, a telephone conference would expedite or aid the prosecution of this application.

DATE: September 15, 2008

Respectfully submitted,

/Theodore D. Fay, III/

Theodore D. Fay, III
Reg. No. 48,504
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants

TDF/wr